

MINUTES
PLANNING COMMISSION
JANUARY 28, 2014 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Kane, Munn, Steinfeld
Alternate members present: Fitzgerald, Zod
Absent: Sherrard
Staff present: Glemboski, Silsby

Acting Chairman Pritchard called the meeting to order at 7:05 p.m.

Acting Chairman Pritchard appointed Fitzgerald to sit for Sherrard and appointed Steinfeld to sit as Acting Secretary.

II. PUBLIC HEARING

Fitzgerald recused himself because of previous employment by a family member with Dime Bank.

Pritchard appointed Zod to sit for Fitzgerald for the Oat public hearing.

7:00 PM

1. Oat Re-Subdivision, 0 MacDonald Court, Noank (SUB13-03) (CAM) – Continuation

Michael Scanlon of DiCesare Bentley Engineers noted that he received a copy today of a letter written by Town Attorney Carey, dated 1/28/14. He requested that the letter be read into the record because he believes it is pertinent to this public hearing.

Pritchard read the aforementioned letter, in its entirety, into the record.

Scanlon reviewed maps showing the specific lot in question and presented legal documentation. He covered many items relative to utility easements, right-of-way access, driveway access, and submitted information about the driveway maintenance agreement. He explained that legal documentation about the driveway maintenance agreement is recorded in the Town Clerk's office. Scanlon addressed comments made in Attorney Carey's letter, noted above. Specifics were given about the existing sewer line. The intent is to extend utilities over the 50-foot easement area and a portion of Campbell Road in order to gain access to the property in question. Scanlon spoke about the common driveway as he read from the agreement.

Jeff Godley of Brown, Jacobson, et al, representing Dime Bank, summarized a portion of the 1/28/14 letter written by Town Attorney Carey and submitted, for the record, a Limited Certificate of Title, which he prepared.

Staff referred to the Town's Subdivision Regulation and submitted specific sections of the regulations which staff deemed relevant to this application and the Planning Commission making a decision. An inquiry was made as to how Town of Groton Zoning Regulations apply to the Planning Commission because the property is

located in Noank. Staff reviewed the Town Attorney's letter dated 1/28/14, noting that the last paragraph in the memo, regarding the Planning Commission's legal authority to resolve, refers to "overburdening" the right of way, not "the right to use" the right of way. Information was given relative to the existing sewer easement and the as-built sewer easement plan, showing the current easement does not extend to the O MacDonald Court property. Staff described the scenarios for physical lot access and utilities and the different issues and permits that would be needed for each scenario. She added that O MacDonald Court currently has an Inland Wetland Agency (IWA) permit to construct a house only in the southwest corner of the site and obtain access and utilities from Groton Long Point Road. Any changes to the house, access, or utilities would probably require a new IWA permit for crossing wetlands.

Inquiries were made about the length of the sewer easement, lot access, and the existing driveway. Scanlon noted that the application does not propose extending infrastructure but only utility lines necessary to serve the lot. It does include extending the existing driveway. Discussion followed about the width and maintenance of the driveway.

It was noted that this application is not subject to Town of Groton Zoning Regulations but instead, is subject to Noank Regulations. Scanlon stated that the Noank Fire District and the Noank Executive Committee approved this application. Other areas addressed were lot arrangement, frontage access, fire hydrants, underground utilities, and sewer easements for future construction.

Patty Oat, owner of 71 MacDonald Court and 35 Campbell Road, expressed concerns about the dirt driveway and wetlands.

Jane Dauphinais, 826 Groton Long Point Road, spoke against this application. She referred to an amended 2004 driveway agreement being signed by only 1 person, Joan Oat, and questioned whether this is considered a true "agreement". The 2004 amended driveway agreement refers to there being 6 lots instead of the original 5 lots referred to in the 2000 original driveway agreement.

Staff stated that the Certificate of Title, received earlier tonight, will be reviewed by Staff and the Town Attorney.

Scanlon reviewed the wetlands and concluded that the lot in question was not previously subdivided but a portion was transferred to Oat to be added onto her existing lot.

MOTION: To close the public hearing at 8:27 p.m.

Motion made by Pritchard, seconded by Steinfeld, so voted unanimously.

A recess was taken at 8:28 p.m. and the meeting reconvened at 8:32 p.m.

7:30 PM

2. Seaport Community Church Subdivision, 28 Great Brook Road (SUB13-04)

The public hearing opened at 8:34 p.m.

The public hearing notice was read and public hearing procedures were reviewed.

Peter Gardner, Licensed Land Surveyor of Dieter and Gardner, and Pastor Brad Whipple of Seaport Community Church, were present for this application. Gardner reviewed maps and presented the proposal to build 2 lots to the rear of the property and taking access from two existing 20-foot wide access and utilities easements from Great Brook Road. Lots will be served by public water from Great Brook Road. Documents were entered into the record. He referenced easements, wetlands, erosion and sediment controls, and underground utilities. He stated that trees will be cut down in the easement areas. A silt fence will be installed along the easement areas, as suggested by Town Staff. The lots will have septic systems that have been approved by the Ledge Light Health District. The applicant has asked for a waiver to Section 4.9 of the Subdivision Regulations for Open Space. A conservation easement will be proposed in lieu of the dedication of open space. He stated that the church would own the land and the Town would have the rights to put in a trail in the future. Relative to the existing access and utilities easements, details were given about an existing gore (surveying gap) between the Seaport Community Church property and the Great Brook Resubdivision. He believes that the clear intent of the easement was to grant access from Great Brook Road to the 2 lots on the Seaport Community Church property. Various maps were submitted to explain the gore.

Staff stated that the mailings are in order. She noted that a waiver request to omit either 10% dedication of land or provide a fee in lieu of open space has been submitted. The 2011 appraisal for the land was referenced. The site was reviewed on the map showing wetlands and a potential trail area. Exhibit A was presented as a potential conservation easement area, which Staff felt would be appropriate for this site. Public Works had no additional comments and the Ledge Light Health District had no problems with the septic system. It was requested that legal documents should address the gore prior to recording the subdivision map in land records.

Inquiries were made about a right of way, the conservation easement, driveways, parking, playgrounds and public areas. Pastor Whipple stated that there are no plans to build a playground on the church property. The existing public recreation areas in the vicinity were noted. Staff noted that signs will need to be posted to designate the conservation area, if approved.

Tom Bella, 178 Great Brook Road, spoke against this application. He addressed concerns with the easement and explained that property owners purchased lots on the premise that no additional properties would be built. Specifics were given about the amount of units currently on site.

Roland Brouillard, 194 Great Brook Road, spoke against this application. He spoke about easements, noting that there was never any mention of a subdivision being built in the future. He referred to the proposal to take down the trees and how that is a contradiction to when he purchased his property. He believes removing trees would eliminate the intent of the original development. He submitted an as-built plan for his property and noted a Groton Utilities easement.

Staff stated that Groton Utilities required easements over all the properties in the Great Brook Resubdivision. The survey map, the Groton Utilities easement, and the

additional access and utilities easement across Lots 31 and 32 were reviewed, as well as Town regulations.

Mr. Barker, 212 Great Brook Road, spoke against this application, as he referred to the original survey map. He spoke about the easement, property boundaries, the septic system, and expressed concerns about the steepness of the driveway.

Peter Gardner reviewed the map highlighting the driveway that goes across Lots 31 and 32. Specifics were given about the original driveway. Information was given about easements. No retaining walls are required. Grading will be completed, as shown on the map. Silt fencing will be installed in the easement area, which he will note on the plans. He is not sure if blasting will be required. There are currently no plans to install a buffer.

Raymond Winchester, 130 Great Brook Road, inquired about whether blasting will be done. Gardner reiterated that he is not sure, at this time, if blasting will be required. Winchester referred to lots on the map and inquired about future roadways.

Jennifer Barker, 212 Great Brook Road, spoke against the application. She spoke of Mountain Laurel trees in back of her property, and not being allowed to cut this area down.

Kate Bella, 178 Great Brook Road, expressed concerns about the easement and reiterated previous concerns about trees being cleared out. She inquired about utilities and easements.

Discussion followed about the utility easement, future subdivision expansion, and ownership of the gore. Gardner submitted, for the record, additional maps relative to the gore. He stated that the intent was clear; to provide access from Great Brook Road to the Seaport Community Church property.

Relative to the inquiry about installing a buffer, Pastor Whipple stated that he would take this concern into consideration. Information was given about open space requirements and previous private agreements made between Groton Open Space Association (GOSA) and the Great Brook Re-subdivision developer where the Town was not party to the private agreements since they were not specifically required by Subdivision Regulations.

MOTION: To close the public hearing at 9:38 p.m.

Motion made by Pritchard, seconded by Munn, so voted unanimously.

III. APPROVAL OF THE FOLLOWING MINUTES January 14, 2014

MOTION: To postpone the vote until February 11, 2014

Motion made by Pritchard, seconded by Steinfeld, so voted unanimously.

IV. PUBLIC COMMUNICATIONS – None.

V. SUBDIVISIONS

1. Oat Re-Subdivision, 0 MacDonald Court, Noank (SUB13-03) (CAM)

MOTION: To postpone until the February 11, 2014 meeting

Motion made by Pritchard, seconded by Munn, so voted unanimously

2. Seaport Community Church Subdivision, 28 Great Brook Road (SUB13-04)

MOTION: To postpone until the February 11, 2014 meeting

Motion made by Pritchard, seconded by Munn, so voted unanimously

3. East Farms Subdivision, Noank Road – Request for Extension

Staff explained that the original plan was approved in 2005 and is still valid. The applicant is asking for a two-year extension until January 2016. She noted that two lots still remain to be developed.

MOTION: To grant a two-year extension until January 11, 2016

Michael Franklin, Principal of the subdivision, explained the reasons for the extension request, noting that the economy has played a part in the delay.

Motion made by Pritchard, seconded by Munn, so voted unanimously

VI. OLD BUSINESS

1. Subdivision Regulation Amendments – No update
2. Plan of Conservation and Development Update – The next meeting has been scheduled for February 20, 2014.
3. Groton Open Space Association (GOSA) Request for Letter of Support for Land Acquisition: Tilcon Property – Continued

Staff stated that the applicant has requested to Table this item until the next meeting on February 11, 2014. It was noted that GOSA withdrew their request to the Town Council.

VII. NEW BUSINESS

1. Report of Commission – None.
2. Zoning Board of Appeals Referral for February 12, 2014 Public Hearing
 - a. ZBA#13-07 Maxson Residence, 212/214 Cedar Road

Staff reviewed the proposal for a single family home and other specifics. The Planning Commission had no comment.

3. Zoning Commission Referrals for February 5, 2014 Public Hearings

- a. SPEC337 – Laursen Deck Extension, 39 Steamboat Wharf (CAM)

Staff reviewed the proposal. The Planning Commission had no comment.

- b. SPEC338 – Pizzetta Addition, 7 Water Street (CAM)

The proposal was reviewed and discussed.

MOTION: To send a report to the Zoning Commission to recommend approval of SPEC 338 and note their concern that sufficient parking be provided for the residential units.

Motion made by Pritchard, seconded by Munn, so voted unanimously.

4. New Applications

- a. Mystic Art Center Parking, 9 Water Street (SIT14-01) (CAM)

The new site plan application for redesign and addition of new parking spaces was noted.

VIII. REPORT OF CHAIRMAN

Pritchard gave a recap of the 1/27/14 Committee of Chairpersons meeting he attended.

IX. REPORT OF STAFF – None.

X. ADJOURNMENT

Motion to adjourn at 10:15 p.m. was made by Munn, seconded by Steinford, so voted unanimously.

Hank Steinford, Acting Secretary
Planning Commission

Prepared by Robin Silsby
Office Assistant II